

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KAREN L. KENNERLY,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-01540

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner") [ECF 1]. On February 17, 2015, this action was referred to United States Magistrate Cheryl A. Eifert for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R [ECF 12] on December 8, 2015, recommending that this Court affirm the decision of the Commissioner and dismiss this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not

direct the Court to a specific error in the magistrate's proposed findings and recommendations.”
Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R were due on December 28, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 12], **DENIES** Plaintiff's motion for judgment on the pleadings [ECF 10], **GRANTS** the Commissioner's request for judgment on the pleadings [ECF 11], **AFFIRMS** the final decision of the Commissioner, **DISMISSES WITH PREJUDICE** the Complaint, and **DIRECTS** the Clerk to remove this case from the Court's docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 7, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE